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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,419	09/30/2005	Claudio Borean	09952.0003	4050
22852	7590	07/19/2011		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER AGHDAM, FRESHTEH N	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 07/19/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,419

Applicant(s)

BOREAN ET AL.

Examiner

FRESHTEH N. AGHDAM

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-25, 27-31 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-25, 27-31 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on May 2, 2011 have been fully considered but they are not persuasive.

Applicant's Argument:

Regarding claims 23-25, 27-31, and 33-44, pages 8-11, the Applicant argues "Ohmoto nevertheless does not teach transmitting different piceses of information "during a same time interval", as recited in claim 23... standards in Prior Art actually "teach away" from an idea of using multiple channels to transmit different data, such as on taught in Ohmoto."

Examiner's Response:

Regarding the argument set forth above, Examiner disagrees with the Applicant because:

(1) Ohmoto clearly teaches the recited limitation since paragraph 47 discloses "In other words, with this system, information of varied content is simultaneously transmitted, using a plurality of broadcasting frequencies, to a plurality of mobile wireless terminals". (emphasis added)

(2) "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed..." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004)." , see MPEP section 2145 (D).

Since IADP (instant application's disclosed prior art) does not criticize, discredit, or otherwise discourage the solution claimed, therefore, standards in IADP do not teach away from the idea of using multiple channels to transmit different data.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained through the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25, 27-31, and 33-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the instant application's disclosed prior art, and further in view of Ohmoto (US 2002/0028678).

As to claims 23, 25, 28-29, 34, the instant application's disclosed prior art teaches a method of and/or an apparatus for managing a transmission system wherein a plurality of sets of samples is subject to an integral transform (e.g. IFFT) transmitted in said integral transformed format over a millimeter-wave carrier (fig. 1, pg. 5, lines 14-21) and subject to a complementary integral transform (FFT) to reconstruct said plurality of sets of samples in the receiver (pg. 7, lines 22-26), comprising: including in said system a plurality of terminals (pg. 1, lines 20-27; pg. 9, lines 16-35); assigning to said terminals respective non-overlapping sets of samples or positions within said plurality of sets of samples (pg. 9, lines 16-35); and transmitting a set of non-zero samples pertaining to a

first terminal of said plurality of terminals by inserting said samples in the respective position assigned to said first terminal (pg. 9, lines 16-35).

The instant application's disclosed prior art does not expressly teach that the sample sets are non-overlapping (e.g. the plurality of sample sets do not occupy the same positions/subspace in the buffer); and transmitting, simultaneously, first and second sets of non-zero samples pertaining to the first and second terminals

One of ordinary skill in the art would readily recognize that it is well known in the art and a matter of design choice to transmit, simultaneously, first and second sets of non-zero samples pertaining to the first and second terminals as it is evidenced (for example) by Ohmoto (par. 47).

One of ordinary skill in the art would recognize that it is obvious and/or well known in the art to assign different/distinct (non-overlapping) subspaces in a buffer to different sets of samples belonging to different terminals in order to transmit the first and second non-zero samples simultaneously since by doing so the signal processing speed increases, on the other hand, if the same subspace in a buffer is assigned to different sample sets belonging to different terminals the signal processing speed decreases but the other subspaces in the buffer could be reserved for other purposes.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teaching of the instant application's disclosed prior art to assign different/distinct (non-overlapping) subspaces in a buffer to different sets of samples belonging to different terminals instead of assigning a single subspace in the buffer to different sample sets belonging to different terminals for the reason stated above.

As to claims 24 and 30, the instant application's disclosed prior art further teaches including at least one further terminal adapted for exchanging samples with said plurality of terminals and causing said at least one further terminal to subject to at least one of said integral transform and said complementary integral transform a plurality of sets of samples including at least two overlapping sets of non-zero samples pertaining to at least two of the plurality of terminals (pg. 13, lines 12-21).

As to claims 27, 33, 36-37, 40-41, the instant application's disclosed prior art teaches transmitting said samples in said integral transformed format over a millimeter-wave carrier (pg. 2, lines 4-12).

As to claim 31, the instant application's disclosed prior art teaches at least one further terminal is an access point of a WLAN network (pg. 2, lines 13-16; pg. 13, lines 12-21).

As to claim 35, the instant application's disclosed prior art teaches allocating at least a single set of non-zero samples in a single respective set of positions of said buffer, which is indicative of said transmitter terminal (pg. 1, lines 20-27; pg. 9, lines 16-35).

As to claims 38-39, the instant application's disclosed prior art teaches a receiver for receiving samples transmitted in said integral transformed format (pg. 1, lines 20-27; pg. 9, lines 16-35); a complementary integral transform module for subjecting said sets of samples to a complementary integral transform and reconstructing therefrom said at least one set of nonzero samples (pg. 1, lines 20-27; pg. 9, lines 16-35).

The instant application's disclosed prior art does not expressly teach a buffer for receiving said plurality of sets of samples (means 43; pg. 9, lines 16-35); and allocating at least one set of the nonzero samples to the respective positions of said buffer.

However, one of ordinary skill in the art would recognize that employing a buffer complementary to the buffer 43 employed in the transmitter and allocating the set of nonzero samples to a subspace of the buffer is obvious and/or well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art to employ a buffer and allocate the set of received nonzero samples to the respective subspace of the receive buffer (complementary to the transmit buffer) in order to further process the received signal and be compatible with the transmitter device.

As to claims 42-44, one of ordinary skill in the art would recognize that it is obvious and/or well known in the art to perform various signal processing tasks using a computer program product loadable in the internal memory of a computer and including software code portions. Therefore, it would have been obvious to one of ordinary skill in the art to use a computer program product to perform various signal processing tasks.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRESHTEH N. AGHDAM whose telephone number is (571)272-6037. The examiner can normally be reached on 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/CHIEH M FAN/
Supervisory Patent Examiner, Art Unit 2611